

Remarks

Claims 1-34, 42, and 52-71 are pending in the present application. Claims 25, 42, and 60-64 have been withdrawn from consideration. Reconsideration is respectfully requested.

Claim Objections

The typographical error in claim 65 has been corrected via this amendment.

Election/Restrictions

As stated by the Examiner, Applicant did indeed elect Group I, which were identified in the Restriction Requirement as claims 1-24, 26-41, 43-59, and 65-79. Applicant also agrees with the Examiner that claims 35-41, 43-51, and 72-79 were cancelled via a Preliminary Amendment (the cancelled claims had been allowed in the parent case). Accordingly, Claims 1-34, 42, and 52-71 are pending in the present application with claims 25, 42, and 60-64 currently withdrawn from consideration. Applicants thank the Examiner for his thoroughness and the clarification.

Claim Rejections Under 35 USC § 102(e)

Claims 1-9, 11, 16-22, and 65-71 are rejected under 35 USC § 102(e) as allegedly being anticipated by Miki (US Pat. No. 6,325,081). Applicants traverse this rejection.

Miki is not prior art to the present claims under § 102(e) or any other patent statute. Miki's effective § 102(e) date is May 17, 1999. This effective date of the Miki reference did not change with The Intellectual Property and High Technology Technical Amendments Act of 2002 since the International Application to which Miki claims priority was filed before November 29, 2000. Thus, the earliest effective date of the Miki reference is the May 17, 1999.

As can be seen from the priority claim of the present application (as shown in the filed Declaration, the application itself and as reflected in the Official Filing Receipt for the present application), Applicant's subject claims have a priority date as far back as March 13th 1998. The following priority claim was made and entered for the present application:

The present application claims priority to the following applications and patents. The present application is a division of U.S. Patent Application No. 09/672,572 filed September 28, 2000, now U.S. Patent No. 6,632,292, which is incorporated herein by reference, which is a continuation-in-part of copending U.S. Patent Application

No. 09/437,926 filed November 10, 1999, now U.S. Patent No. 6,413,436, which is a continuation of International Patent Application No. PCT/US99/05674 filed March 15, 1999 designating the U.S., which claims the benefit of U.S. Provisional Patent Application No. 60/117,474 filed January 27, 1999; and U.S. Patent Application No. 09/437,926 is also a continuation-in-part of copending U.S. Patent Application No. 09/437,711 filed November 10, 1999, now U.S. Patent No. 6,423,642, which is a continuation of International Patent Application No. PCT/US99/05676 filed March 15, 1999 designating the U.S., which claims the benefit of U.S. Provisional Patent Application No. 60/116,750 filed January 23, 1999, and which is also a continuation-in-part of U.S. Patent Application Nos. 09/041,649, filed March 13, 1998, now U.S. Patent No. 6,318,385, and 09/113,435, filed July 10, 1998, now U.S. Patent No. 6,264,752, which is a continuation-in-part of 09/041,901 filed March 13, 1998, now U.S. Patent No. 6,350,319.

Even if only going back in priority to the grandparent application which claims priority from the International application PCT/US99/05674, the priority date predates the effective date of the Miki reference – that is, the present application claims have a priority date of at least as early as March 15, 1999, versus the priority date of the Miki reference, which is May 17, 1999. The present claims have priority that dates back much further but it is unnecessary to predate the cited reference. Also, Applicants note that the parent patent (6,632,292) is a CIP of the grandparent patent (6,413,436), which is a CIP of the PCT application PCT/US99/05674. A review of the published PCT application as well as the grandparent patent shows that the presently claimed subject matter was disclosed in each of those priority documents and thus the claim of priority to at least as early as March 15, 1999, is proper.

Accordingly, as Miki does not qualify as prior art against the present claims, the 102(e) rejection should be withdrawn.

We also note that the Applicants do not bother distinguishing the present claims from the Miki reference on the merits only because the Miki reference does not qualify as prior art. This should in no manner be interpreted as an admission or acquiescence to the arguments set forth by the Examiner in regard to the Miki disclosure as compared to the present claims.

Claim Rejections Under 35 USC § 103(a)

Claims 13-14 are rejected under 35 USC § 103(a) as allegedly being obvious in view of Miki (US Pat. No. 6,325,081) and Linn (US 2002/0189640). Applicants traverse this rejection.

As explained above, Miki is not prior art to the present claims under § 102(e) or any other patent statute. Furthermore, for the same reasons as with Miki, neither is Linn prior art to the present claims. Accordingly, the present claims are allowable over the art of reference (whether the art of reference is considered independently or in combination). And as discussed above in relation to the Miki reference, Applicants need not point out the distinguishing features of the present claims over the cited combination of Miki and Linn as these references are not prior art to the present claims.

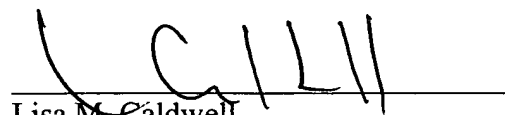
The Examiner makes further 103(a) rejections to claims 15, 23-24, 28, and 29-30 based on the Miki reference in combination with other references (see the Office action dated October 24, 2005, paras. 11-13). Again, Miki does not qualify as prior art against the present claims. Likewise, the additional cited references Hara (Pat. No. 6,451,696) and Ohkawa (Pat. No. 6,326,657) do not qualify as prior art as they do not have effective dates that predate the priority dates of the present claims. And as discussed above in relation to the Miki reference, Applicants need not point out the distinguishing features of the present claims over the cited combination of references, as these references are not prior art to the present claims.

Applicants believe the present claims are in condition for allowance and notification to that effect is respectfully requested. If the Examiner has any further concerns, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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